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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Li YAO *et al.*

Application No.: 09/866,842

Group Art Unit: 1651

Filed: May 30, 2001

Examiner: D. M. NAFF

For: FUNCTIONALIZED POROUS
MATERIALS AND APPLICATIONS IN
MEDICAL DEVICES

Attorney Docket No.: 9580-012-999

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RESPONSE TO RESTRICTION REQUIREMENT

TECH CENTER 1600/2900

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is in response to the Office Action mailed September 3, 2002, in which the application was examined for restriction purposes only. Applicants submit herewith a Petition for Extension of Time, with provision for the required fee.

REMARKS

In the Office Action, the Examiner seeks to restrict the claims prosecuted in this application to one of three groups. Applicants respectfully traverse the restriction requirement and request either withdrawal or modification thereof in accordance with the discussion below. In order to be fully responsive, Applicants provisionally elect, with traverse, Group II, claims 3-25 and 28-30.

As the Examiner is well aware, "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." Manual of Patent Examining Procedure § 803 (8th ed. August 2001) (emphasis added).

Applicants submit that all the pending claims are directed to a material having a substrate, a functional additive, and a surface defined by functional additive or a method of making such a material. Thus, a material having a substrate, a functional additive, and a surface defined by functional additive is present in all of the claims. Therefore, any search necessary to examine the claims of Group II would necessarily uncover art relevant to the claims of Group I and III. Applicants therefore respectfully submit that a search of Groups I,